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10/649,624	08/28/2003	Hiroki Yamauchi	2003_1212A	5300

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EXAMINER	
OKORONKWO, CHINWENDU C	
ART UNIT	**PAPER NUMBER**
2136	
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07/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/649,624	YAMAUCHI ET AL.	
	Examiner	Art Unit	
	Chinwendu C. Okoronkwo	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14,27 and 28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14,27 and 28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20040513*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-14 and 27-28 in the reply filed on 04/11/2007 is acknowledged.

Priority

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(a)-(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged, however Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

> Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a certified English translation of the foreign application must be submitted in reply to this action. 37 CFR 41.154(b) and 41.202(e).
>
> Failure to provide a certified translation may result in no benefit being accorded for the non-English application.

Information Disclosure Statement

3. For the record, the Examiner acknowledges that the IDS submitted on 03/08/2004 and 05/13/2004. It has been received and considered.

Oath/Declaration

4. For the record, the Examiner acknowledges that the Oath/Declaration submitted on 01/05/2004 has been received and considered.

Drawings

5. For the record, the Examiner acknowledges that the Drawings submitted on 08/28/2003 have been received and considered.

Specification

6. For the record, the Examiner acknowledges that the Specification submitted on 08/28/2003 has been received and considered.

7. Pursuant to USC 131, claims 1-14 and 27-28 are presented for examination.

8. Claims 1-14 and 27-28 are pending.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 14, is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter - the claimed subject matter not being tangible. The claimed computer program does not define any structural and

functional interrelationship between the computer program and other claimed element(s) of a computer, which permit the computer program's functionality to be realized. Such descriptive material does not exhibit any functional interrelationship with the way in which computing processes are performed and is not described as being recorded onto some computer-readable medium, thus it does not constitute statutory matter.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 1-14, 27 and 28 are rejected under 35 U.S.C. 102(e) as being unpatentable over Okamoto et al. (US Patent Application Publication No. 2004/0054678 A1).

Regarding claim 1, Okamoto et al., discloses a content-duplication management apparatus that manages duplication and deletion of a content with respect to a playback apparatus connected to a network, based on requests acquired from the playback apparatus, comprising:

a group judging unit operable to judge whether the playback apparatus belongs to a predetermined group (Figures 14-15);

a holding unit operable to hold an in-group remaining number and an out-group remaining number, the in-group remaining number being a remaining number of duplications of the content permitted of apparatuses belonging to the group, and the out-group remaining number being a remaining number of duplications of the content permitted of apparatuses not belonging to the group (Figure 18); and

a management unit operable, in response to a request acquired from the playback apparatus, to (i) reply in the affirmative and update the in-group

remaining number or reply in the negative, based on the in-group remaining number, wherein the playback apparatus is judged to belong to the group, and (ii) reply in the affirmative and update the out-group) remaining number or reply in the negative, based on the [out-group remaining number, when the playback apparatus is judged to not belong to the group (0075-0076, 0080-0084 and 0087).

Regarding claim 2, Okamoto et al., discloses a content-duplication management apparatus of claim 1, wherein the request is a duplication request, and the management unit, in response to the duplication request, (i) replies in the affirmative and subtracts "1" from the in-group remaining number if the in-group remaining number is not "0", and replies in the negative if the in-group remaining number is "0", when the playback apparatus is judged to belong to the group, and (ii) replies in the affirmative and subtracts "1" from the out-group remaining number if the out-group remaining number is not "0", and replies in the negative if the out-group remaining number is "0", when the playback apparatus is judged to not belong to the group (0080-0084).

Regarding claim 3, Okamoto et al., discloses a content-duplication management apparatus of claim I, wherein the request is a deletion request, and the management unit, in response to the deletion request, (i) replies in the affirmative and adds "1" to the in-group remaining number when the playback apparatus is

judged to belong to the group, and (ii) replies in the affirmative and adds "1" to the out-group remaining number when the playback apparatus is judged to not belong to the group (0097).

Regarding claim 4, Okamoto et al., discloses a content-duplication management apparatus of claim I, wherein the request includes start information indicating a start time of duplication or deletion of the content, the content-duplication management apparatus further comprises a time management unit that includes a clock and is operable, when the start time is shown by the clock, to output an operation instruction to the management unit, and the management unit, on receipt of the operation instruction, (i) replies in the affirmative and updates the in-group remaining number or replies in the negative, based on the in-group remaining number, when the playback apparatus is judged to belong to the group, and (ii) replies in the affirmative and updates the out-group remaining number or replies in the negative, based on the out-group remaining number, when the playback apparatus is judged to not belong to the group (0144-0152).

Regarding claim 5, Okamoto et al., discloses a content-duplication management apparatus of claim I, wherein the request includes a usage expiry date-time of the content, the content-duplication management apparatus further comprises a time management unit that includes a clock and is operable, when the usage expiry date-time is shown by the clock, to output an operation instruction to the

management unit, and the management unit, on receipt of the operation instruction, (i) adds "1" to the in-group remaining number when the playback apparatus is judged to belong to the group, and (ii) adds "1" to the out-group remaining number when the playback apparatus is judged to not belong to the group (0144-0152).

Regarding claim 6, Okamoto et al., discloses a content-duplication management apparatus of claim 1, wherein the management unit notifies to the playback apparatus, transfer information showing a number that is less than or equal to at least one of the in-group remaining number and the out-group remaining number, and subtracts the number shown by the transfer information from the at least one of the in-group remaining number and the out-group remaining number (0075-0076, 0080-0084 and 0087).

Regarding claim 7, Okamoto et al., discloses a content-duplication management apparatus of claim i, wherein the management unit holds duplication-generation information relating to the content, and (i) replies in the affirmative and updates the in-group remaining number or replies in the negative, based on the duplication-generation information and the in-group remaining number, when the playback apparatus is judged to belong to the group, and (ii) replies in the affirmative and updates the out-group remaining number or replies in the negative, based on the duplication-generation information and the out-group

remaining number, when the playback apparatus is judged to not belong to the group (0075-0076, 0080-0084 and 0087).

Regarding claim 8, Okamoto et al., is silent in disclosing a content-duplication management apparatus of claim i, wherein the request includes request-apparatus information unique to the playback apparatus, and
the management unit holds a revocation list showing one or more apparatuses to which content duplication is not permitted, and (i) replies in the affirmative and updates the in-group remaining number or replies in the negative, based on the request-apparatus information, the revocation list and the in-group remaining number, when the playback apparatus is judged to belong to the group, and (ii) replies in the affirmative and updates the out-group remaining number or replies in the negative, based on the request-apparatus information, the revocation list and the out-group remaining number, when the playback apparatus is judged to not belong to the group (0144-0152).

Regarding claim 9, Okamoto et al., discloses a content-duplication management apparatus of claim 1, wherein the request includes request-area information showing an area relating to the playback apparatus, and the management unit holds specified area information that is for restricting an area in which duplication and deletion of the content is executed, and (i) replies in the affirmative and updates the in-group remaining number or replies in the negative, based on the

request-area information, the specified area information and the in-group remaining number, when the playback apparatus is judged to belong to the group, and (ii) replies in the affirmative and updates the out-group remaining number or replies in the negative, based on the request-area information, the specified area information and the out-group remaining number, when the playback apparatus is judged to not belong to the group (0093-0102).

Regarding claim 10, Okamoto et al., discloses a content-duplication management apparatus of claim i, further comprising: an authentication unit operable to share a session key with the playback apparatus by conducting authentication processing with the playback apparatus; and
an encryption/decryption unit operable, if authentication is successful, to encrypt and decrypt communication with the playback apparatus using the session key (0093-0102).

Regarding claim 11, Okamoto et al., discloses a content-duplication management apparatus of claim 1, further comprising:
a request accumulation unit operable to manage the requests using a request-arrival sequence queue/and to have the management unit execute a deletion request that is subsequent in the queue to a duplication request, prior to the duplication request, when the in-group or out-group remaining number is "0" (0093-0102).

Regarding claim 12, Okamoto et al., discloses a content-duplication management apparatus of claim I, wherein the network is a home network connected to an external network, the content is acquired from outside the home network, and the group judging unit judges apparatuses connected to the home network as belonging to the group (0093-0102).

Regarding claim 13, Okamoto et al., discloses a content-duplication management method for managing duplication and deletion of a content with respect to a playback apparatus connected to a network, based on requests acquired from the playback apparatus, comprising the steps of:judging whether the playback apparatus belongs to a predetermined group; holding an in-group remaining number and an out-group remaining number, the in-group remaining number being a remaining number of duplications of the content permitted of apparatuses belonging to the group, and the out-group remaining number being a remaining number of duplications of the content permitted of apparatuses not belonging to the group; and in response to a request acquired from the playback apparatus, (i) replying in the affirmative and updating the in-group remaining number or replying in the negative, based on the in-group remaining number, when the playback apparatus is judged to belong to the group, and (ii) replying in the affirmative and updating the out-group remaining number or replying in the negative, based on the out-group remaining number, when the playback

apparatus is judged to not belong to the group (Rejected under the same rationale as claim 1).

Regarding claim 14, Okamoto et al., discloses a computer program applied in a content-duplication management apparatus that manages duplication and deletion of a content with respect to a playback apparatus connected to a network, based on requests acquired from the playback apparatus, comprising the steps of: judging whether the playback apparatus belongs to a predetermined group; holding an in-group remaining number and an out-group remaining number, the in-group remaining number being a remaining number of duplications of the content permitted of apparatuses belonging to the group, and the out-group remaining number being a remaining number of duplications of the content permitted of apparatuses not belonging to the group; and in response to a request acquired from the playback apparatus, (i) replying in the affirmative and updating the in-group remaining number or replying in the negative, based on the in-group remaining number, when the playback apparatus is judged to belong to the group, and (ii) replying in the affirmative and updating the out-group remaining number or replying in the negative, based on the out-group remaining number, when the playback apparatus is judged to not belong to the group (Rejected under the same rationale as claim 2).

Regarding claim 27, Okamoto et al., discloses a content-duplication management system comprising a playback apparatus that requests and plays a content, and a content-duplication management apparatus that is connected to the playback apparatus via a network and manages duplication and deletion of the content with respect to the playback apparatus, the playback apparatus including: a request unit operable to request duplication or deletion of the content; a group notifying unit operable to notify to the content-duplication management apparatus, group information showing a group that the playback apparatus belongs to; an acquiring unit operable to acquire from the content-duplication management apparatus, permission information showing whether the request is permitted; and an execution unit operable to duplicate or delete the content, based on the permission information, and content-duplication management apparatus the including: a group judging unit operable to judge whether the playback apparatus belongs to a predetermined group, based on the group information notified from the playback apparatus; a holding unit operable to hold an in-group remaining number and an out-group remaining number, the in-group remaining number being a remaining number of duplications of the content permitted of apparatuses belonging to the predetermined group, and the out-group remaining number being a remaining number of duplications of the content permitted of apparatuses not belonging to the predetermined group; and
a management unit operable, in response to the request acquired from the playback apparatus, to (i) reply in the affirmative and update the in-group

remaining number or reply in the negative, based on the in-group remaining number, when the playback apparatus is judged to belong to the predetermined group, and (ii) reply in the affirmative and update the out-group remaining number or reply in the negative, based on the out-group remaining number, when the playback apparatus is judged to not belong to the predetermined group (Rejected under the same rationale as claim 1).

Regarding claim 28, Okamoto et al., discloses a content-duplication management system of claim 27, wherein the content-duplication management apparatus requests an accounting system to manage accounting, when the management unit replies in the affirmative (0093-0102).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chinwendu C. Okoronkwo whose telephone number is (571) 272 2662. The examiner can normally be reached on MWF 9:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571) 272 4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CCO
July 9, 2007

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SUPERVISORY PATENT EXAMINER
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